

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

MICHAEL HRUSOVSKY d/b/a)
MICHAEL HRUSOVSKY COMPANY)
)
) Plaintiff,) Case No.:
)
v.)
)
BRYANT JESSEN and LISA JESSEN,)
his wife; ROBERT GEBELHOFF, d/b/a)
M.A.R.S. DESIGN AND)
CONSTRUCTION; and MARK)
LUETKEHANS,)
)
Defendants.)

COMPLAINT FOR COPYRIGHT INFRINGEMENT

NOW COMES the Plaintiff, Michael Hrusovsky d/b/a Michael Hrusovsky Company by his attorneys, Alan L. Stefaniak, Margherita M. Albarello, Jordan A. Finfer, Di Monte & Lizak, LLC and complaining of the Defendants, states as follows:

1. This cause arises under the United States Copyright Act, U.S. Code, Title 17, Sections 101, et seq., and this Court has jurisdiction of this cause pursuant to U.S. Code, Title 28, Section 1338 (a).
2. The Plaintiff, Michael Hrusovsky d/b/a Michael Hrusovsky Company, is now and was at all times pertinent hereto an individual engaged in the business of design, construction and rehabilitation of single family houses in the North Suburban Chicago Metropolitan area with his office located in Lake Forest, Illinois.
3. The Defendants, Bryant Jessen and Lisa Jessen, his wife are individuals who reside

at and now own the property commonly referred to as 131 Washington Road, Lake Forest, Illinois (hereinafter "Subject Property"). Bryant Jessen and Lisa Jessen are hereinafter collectively referred to as "Owners".

4. The Defendant, Robert Gebelhoff d/b/a M.A.R.S. Development and Construction (hereinafter referred to as "Gebelhoff") is now and was at all times pertinent hereto an individual engaged in the business of designing residential structures with his office located in Island Lake, Illinois.

5. The Defendant, Mark Luetkehans (hereinafter referred to as "Architect") was at all times pertinent hereto an architect duly licensed in Illinois and engaged in the business of designing and drawing architectural plans for construction of single family houses.

6. During the latter part of 2006 and the first part of 2007, Plaintiff prepared design drawings for construction of a single family residence upon the Subject Property. At this time Plaintiff was the owner of the Subject Property.

7. In July of 2007, Plaintiff received approval from the City of Lake Forest Building Review Board for construction of a single family residence upon the Subject Property pursuant to Plaintiff's design drawings. Thereafter, Plaintiff prepared construction drawings based upon his design drawings for construction of the house upon the Subject Property. (Copies of Plaintiff's design drawings and construction drawings marked Exhibits "A" and "B" respectively are attached hereto.)

8. While seeking approval from the City of Lake Forest for construction of the house upon the Subject Property, Plaintiff entered into a contract to construct the house for a Mr. & Mrs. Michael Adams for a price of \$1,000,000.00.

9. In 2008, due to the economic recession and before construction was started, Mr. & Mrs. Adams defaulted on the contract with Plaintiff and in December of 2010, Plaintiff lost ownership of the Subject Property due to a bank foreclosure. On or about November 1, 2011, Owners acquired the Subject Property.

10. In the spring of 2012, Plaintiff and Owners met to discuss Owners using Plaintiff's design drawings and construction drawings for construction of the house at the Subject Property. Owners had in their possession a copy of Plaintiff's design drawings. Plaintiff quoted a price for use of his design and construction drawings but no agreement was made.

11. Upon information and belief, at a date unknown to Plaintiff, Owners gave Plaintiff's design drawings to Gebelhoff and instructed Gebelhoff to copy Plaintiff's design for the purpose of preparing substantially similar design drawings for use in obtaining approval by the City of Lake Forest Building Review Board to construct a house upon the Subject Property.

12. Upon information and belief Gebelhoff thereafter copied and utilized Plaintiff's design drawings for the purpose of preparing substantially similar design drawings for use in obtaining approval by the City of Lake Forest Building Review Board for construction of a house upon the Subject Property.

13. Upon information and belief at a date unknown to Plaintiff, after obtaining approval from the City of Lake Forest Building Review Board to construct the house upon the Subject Property, Owners and Gebelhoff gave the design incorporated into Plaintiff's design drawings to Architect and instructed Architect to prepare construction drawings that utilized Plaintiff's design. Thereafter, Owners constructed the house upon the Subject Property.

14. At no time did Plaintiff grant to Owners, Gebelhoff and/or Architect the right to use

or copy Plaintiff's design drawings or construction drawings.

15. The single family house constructed by Owners and designed by Gebelhoff and Architect is substantially similar to the single family house designed by Plaintiff and is based upon Plaintiff's design drawings and construction drawings.

16. On or about December 26, 2014 and February 3, 2015, Plaintiff filed applications for registration of Plaintiff's design drawings and construction drawings as an architectural work and technical drawing respectively with the United States Copyright Office.

17. Plaintiff's applications were granted Copyright Registration. True and correct copies of the Certificates of Registration are attached hereto as Exhibits "C" and "D" respectively.

18. 17 U.S.C.A. Section 504 states:

"Remedies for infringement: Damages and profits:

(b) Actual Damages and Profits: — The copyright owner is entitled to recover the actual damages suffered by him or her as a result of the infringement, and any profits of the infringer that are attributable to the infringement and are not taken into account in computing the actual damages."

19. 17 U.S.C.A. Section 505 states:

"Remedies for infringement: Costs and attorneys' fees:

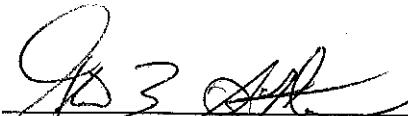
In any civil action under this title, the court in its discretion may allow the recovery of full costs by or against any party other than the United States or an officer thereof. Except as otherwise provided by this title, the court may also award a reasonable attorney's fee to the prevailing party as part of the costs."

20. The conduct of Defendants infringes Plaintiff's copyright in the design drawings and construction drawings.

WHEREFORE, the Plaintiff, Michael Hrusovsky d/b/a Michael Hrusovsky Company requests judgment in his favor and against the Defendants, Bryant Jessen and Lisa Jessen, Robert

Gebelhoff d/b/a M.A.R.S. Design and Construction and Mark Luetkehans, jointly and severally in the amount of One Hundred and Forty Thousand Dollars (\$140,000.00) representing lost profits and the reasonable cost of the architectural plans. Plaintiff also requests recovery of his costs of this action.

Di Monte & Lizak, LLC

By: 
Alan L. Stefaniak
Attorneys for Plaintiff,
Michael Hrusovsky d/b/a Michael
Hrusovsky Company

Alan L. Stefaniak, Esq.
ARDC # 2712636
Margherita M. Albarello, Esq.
ARDC # 6187375
Jordan A. Finfer, Esq.
ARDC# 6286373
Di Monte & Lizak, LLC
216 W. Higgins Road
Park Ridge, IL 60068
(847) 698-9600

Michael Hrusovsky *Company*

297 E. Illinois Road, Lake Forest, IL 60045
847.615 0945 847.615 0115 (FAX)
E-mail: mhrusov123@aol.com

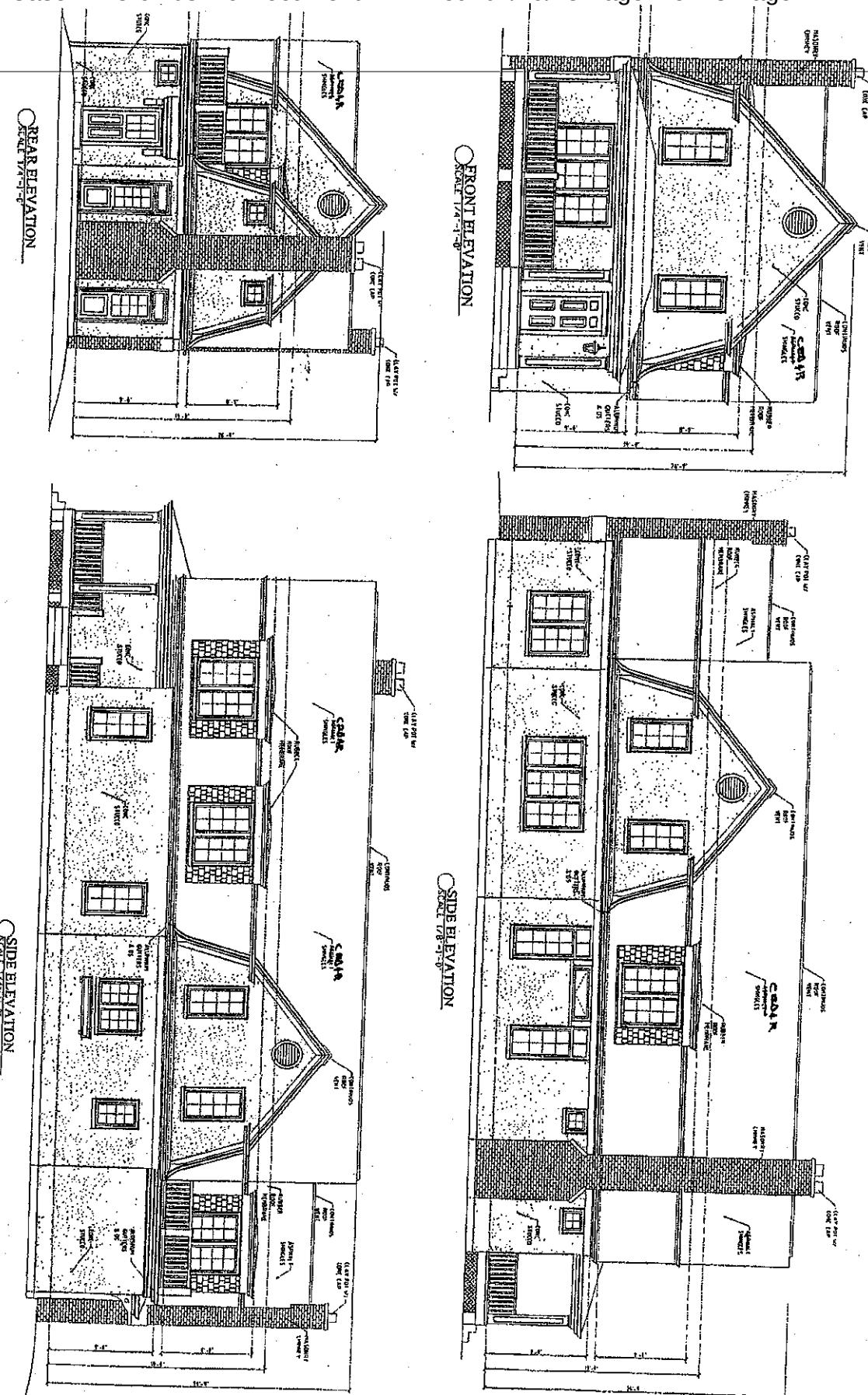
131 WASHINGTON ROAD
Lake Forest, Illinois



*** \$ 1,100,000 ***



- NEW CONSTRUCTION
- LOCATED IN CHARMING EAST -
- SIDE NEIGHBORHOOD
- 4 BEDROOMS / 4.5 BATHS
- HARDWOOD FLOORS
- QUALITY FINISHES
- HIGH CEILINGS
- FINISHED BASEMENT WITH FULL BATH
- CO-OP PROVIDED



NEW RESIDENCE

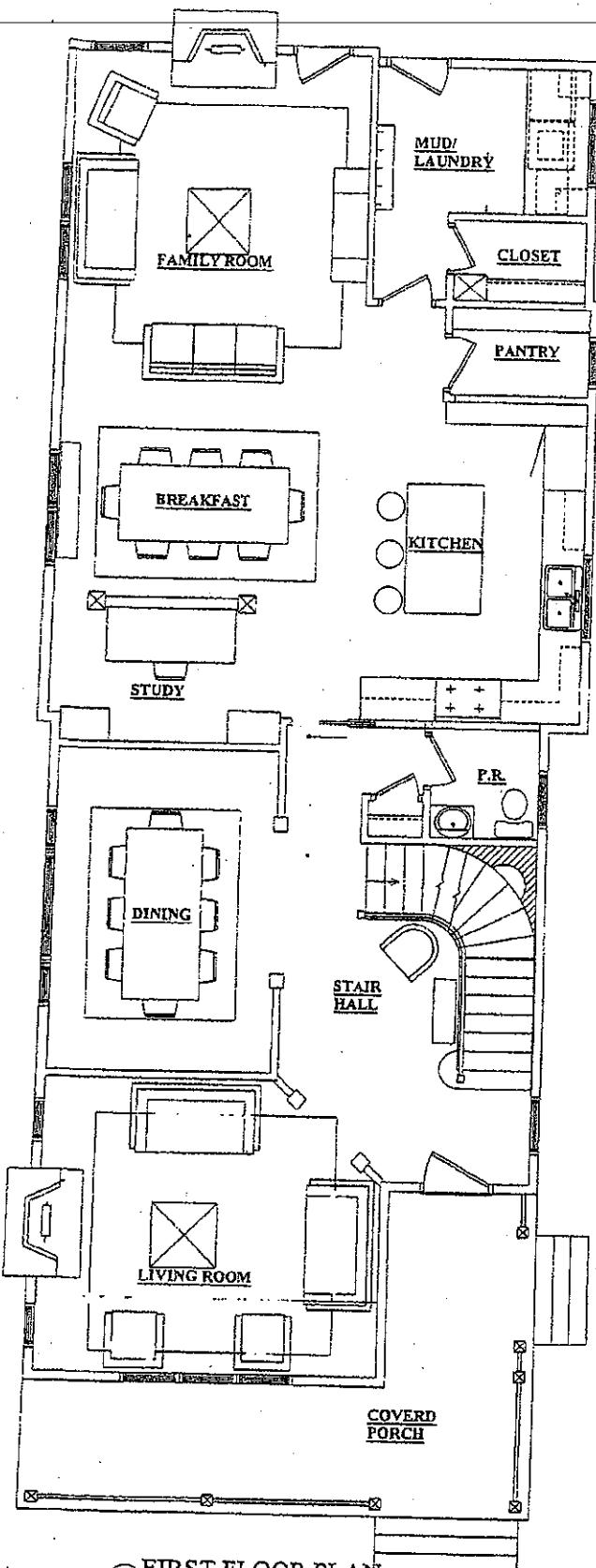
Washington-Woodlawn, Lake Forest IL 60045

-New Construction-

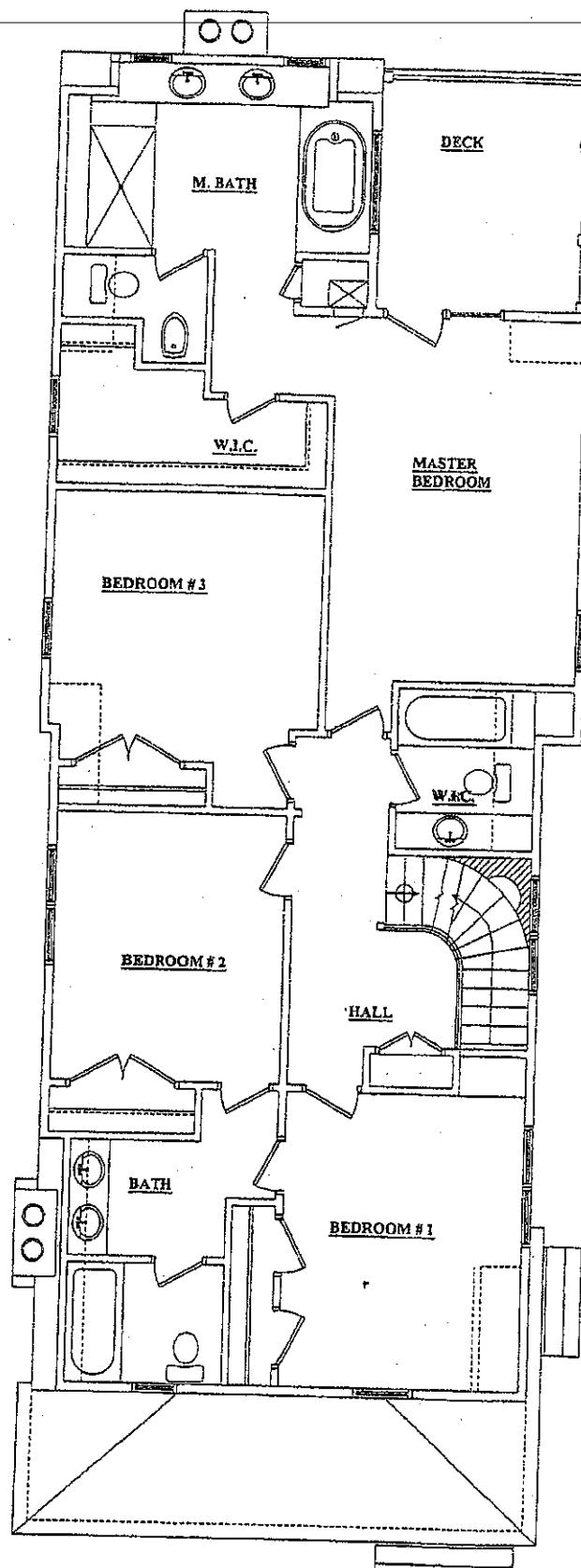
Michael Hrusovsky Company
648 Waveland Road, Lake Forest IL 60045
Tel: 847-615-0945 847-615-0115(Fax)

Architecture / Construction / Development

PROPOSED
ELEV
A-1



FIRST FLOOR PLAN
SCALE 1/4"-1'-0"



SECOND FLOOR PLAN
SCALE 1/8"-1'-0"

NEW RESIDENCE

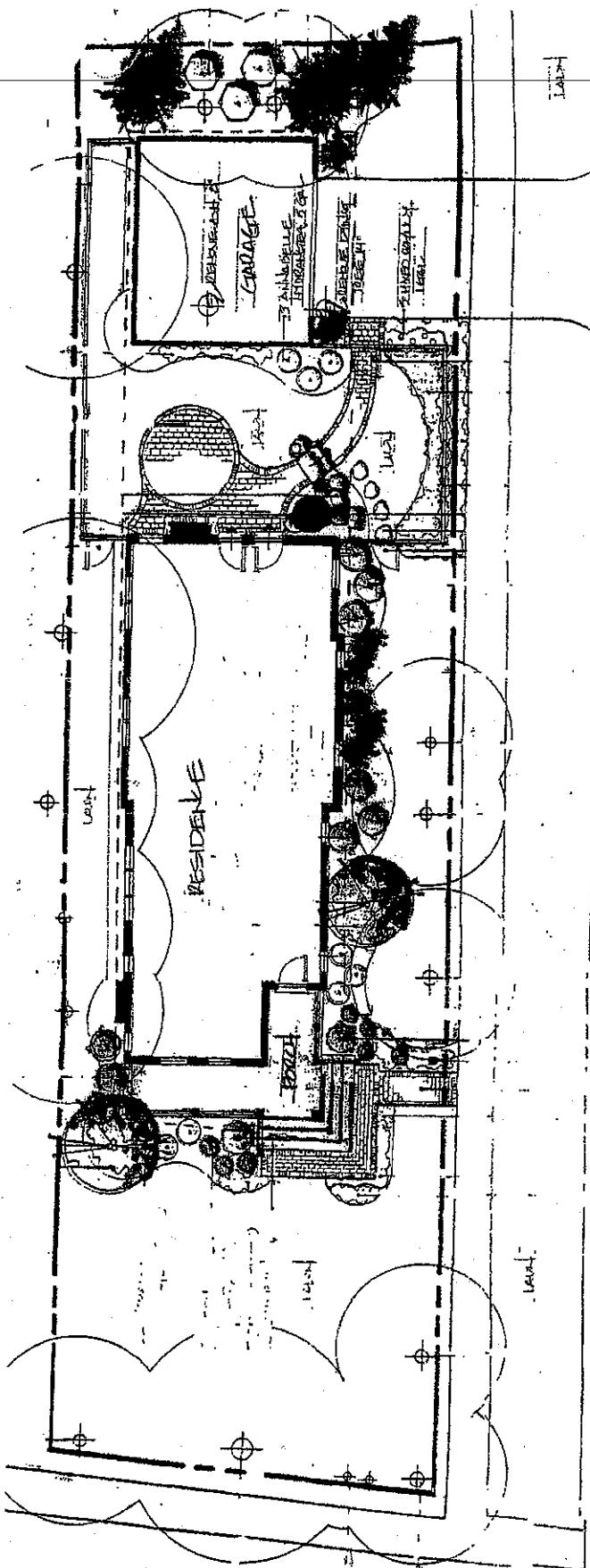
Washington-Woodlawn Lake Forest IL 60045

-New Construction-

Michael Hrusovsky Company
648 Waveland Road, Lake Forest IL 60045
Tel: 847-615-6945 847-615-0115(Fax)

Architecture / Construction / Development

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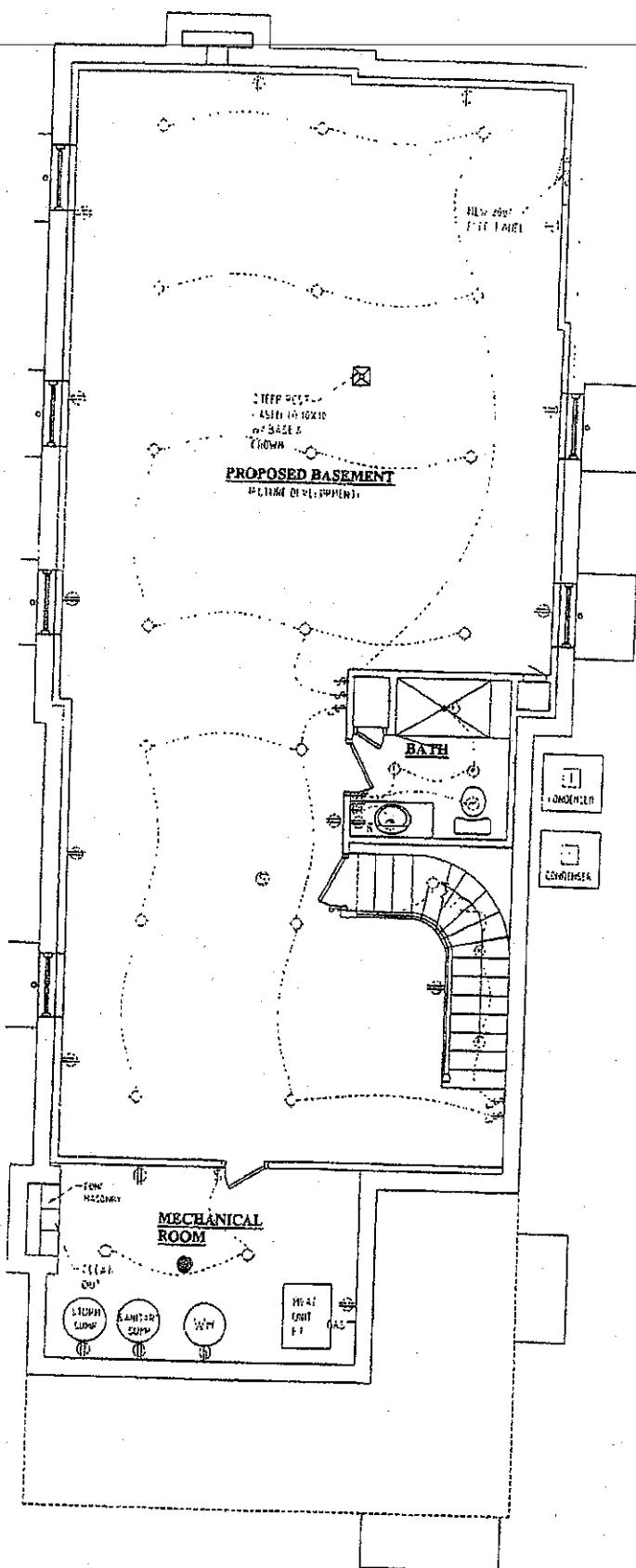


WASHINGTON ROAD

NEW RESIDENCE

Washington-Woodlawn, Lake Forest IL 60045

-New Construction-

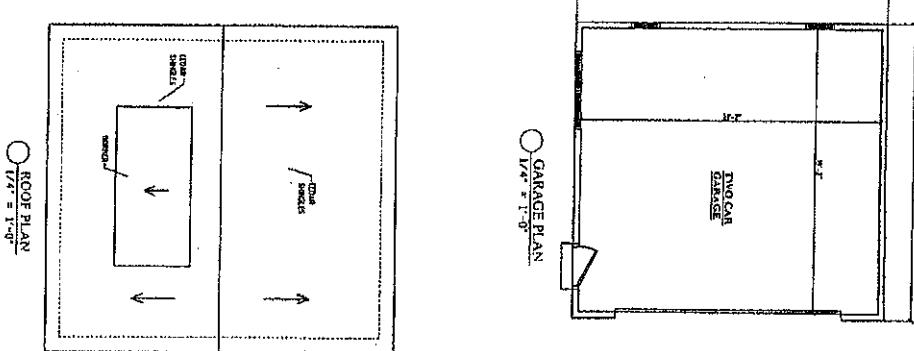
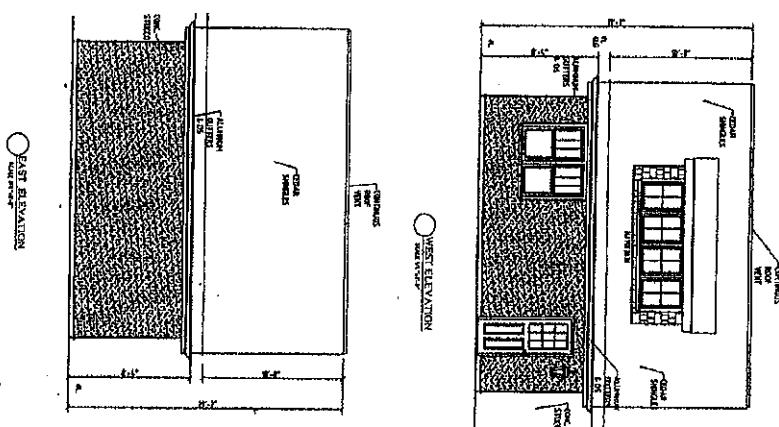
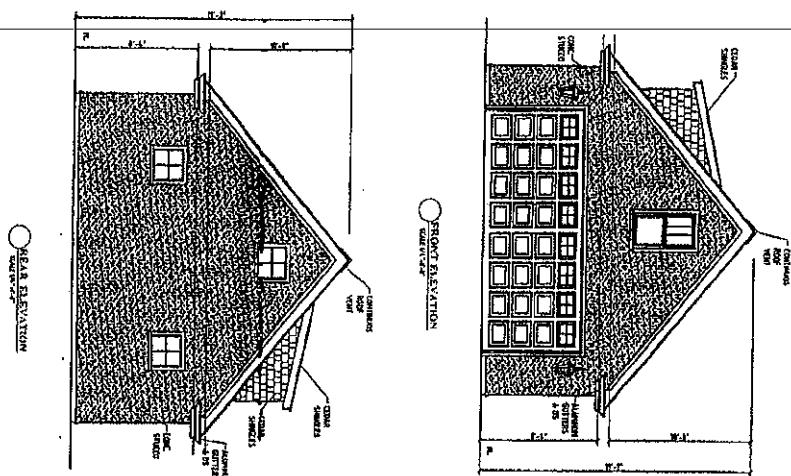


BAISEMENT PLAN
SCALE 1/8"-1'-0"

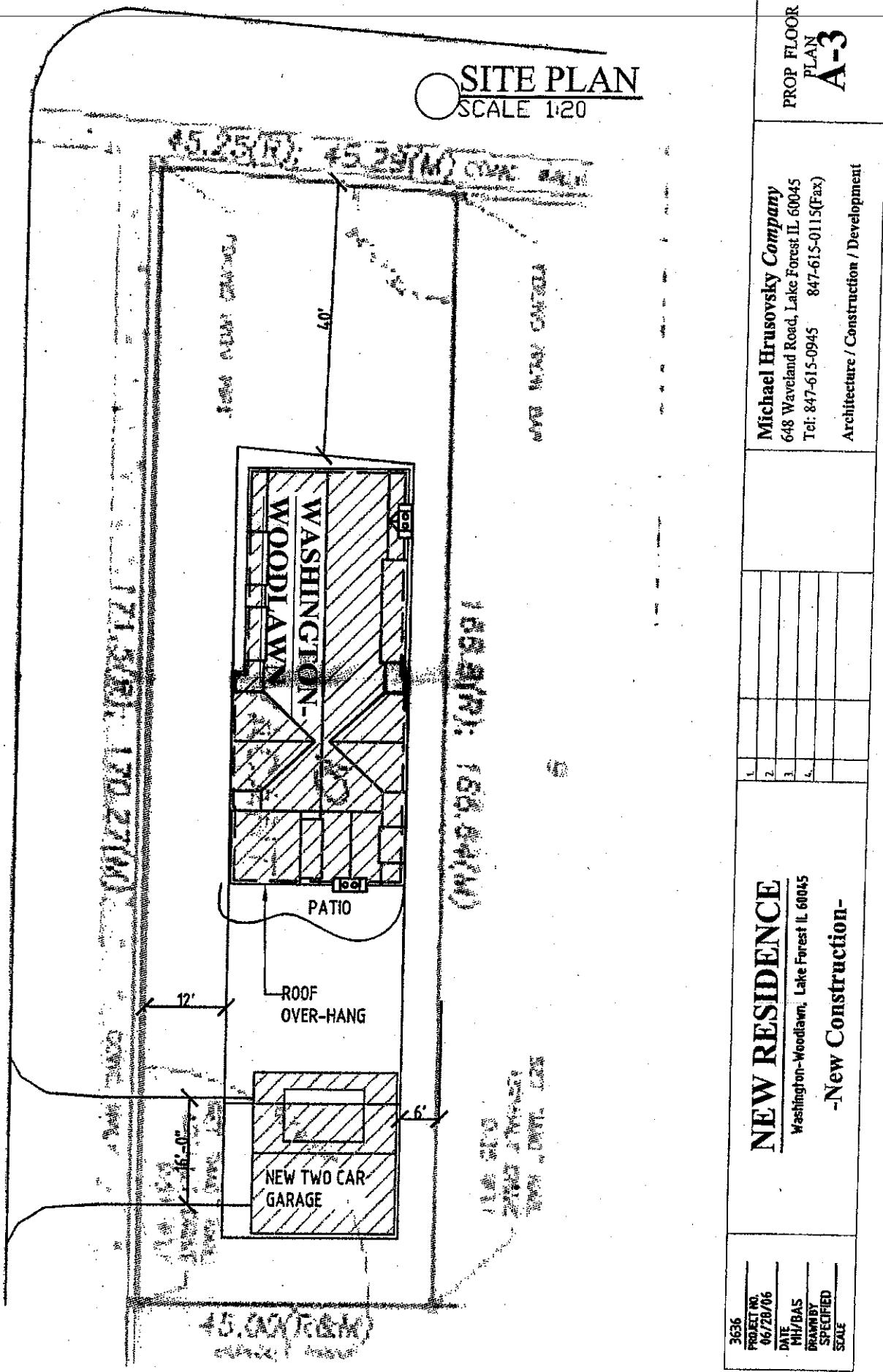
Michael Hrusovsky Company
648 Waveland Road, Lake Forest IL 60045
Tel: 847-615-0945 847-615-0115(Fax)

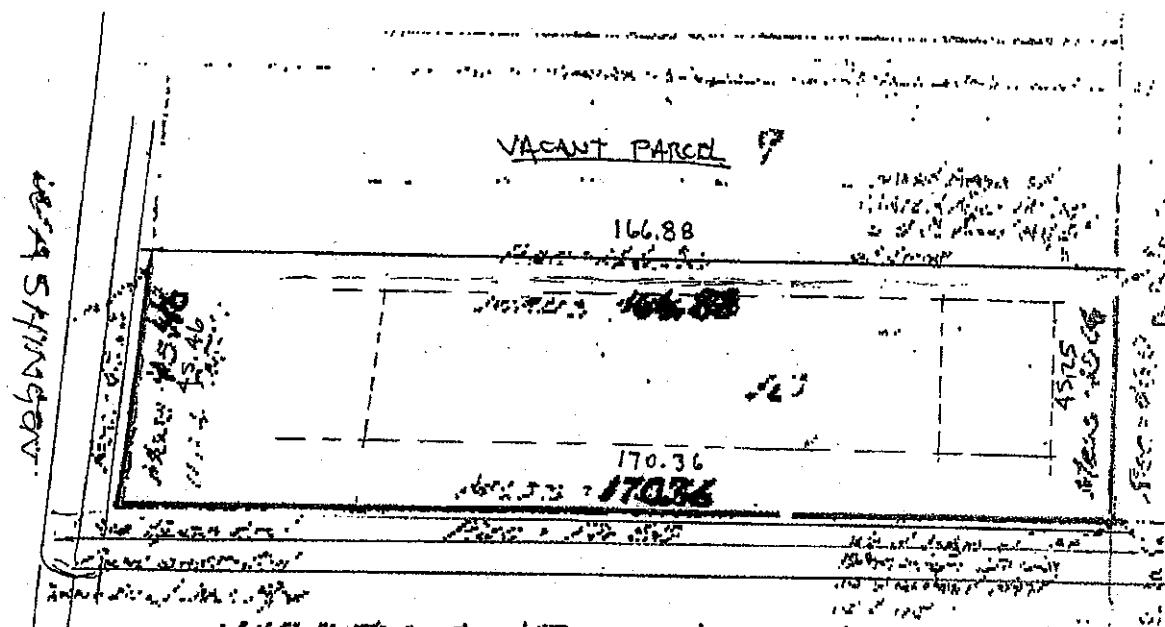
Architecture / Construction / Development

**PROPOSED
ELEV
A-1**



SITE PLAN
SCALE 1:20

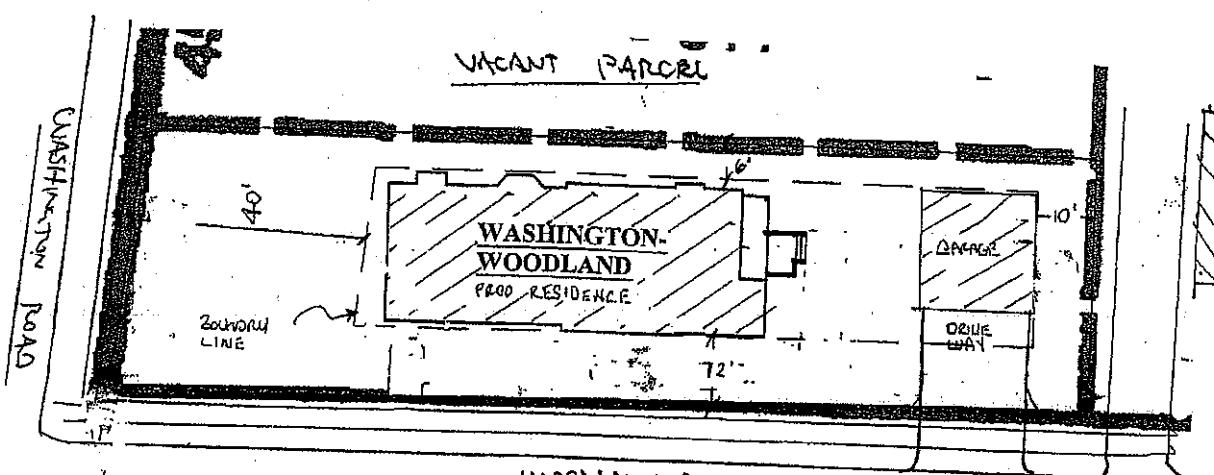




SITE SURVEY (CURRENT)

NORTH

1:20



WOODLAWN ROAD

NORTH

SITE SURVEY (PROPOSED)

1:20

3636 PROJECT NO. 05/28/05 DATE PH/BS DRAWING SPECIFIED SCALE	NEW RESIDENCE Washington Lake Forest IL 60045 -New Construction-	1 2 3 4 5 6 7 8		Michael Hrusovsky Company 648 Waveland Road, Lake Forest IL 60045 Tel: 847-615-0945 847-615-0115(Fax) Architecture / Construction / Development	SITE PLAN A-1
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NOTES AND SPECIFICATIONS

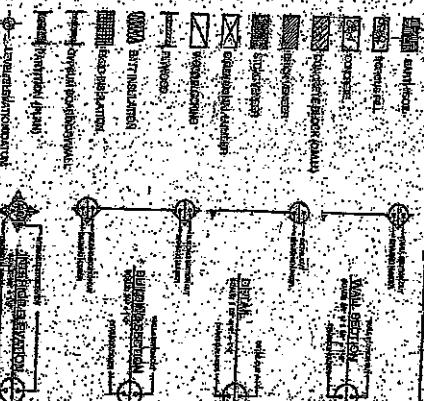
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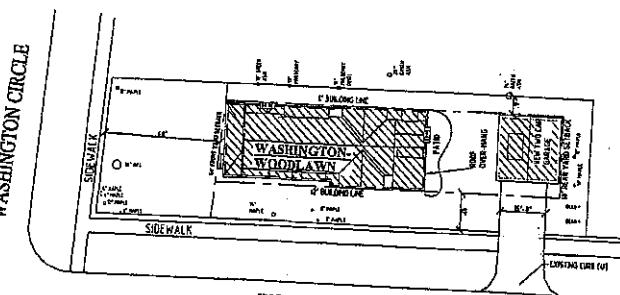
graph TD
    Start(( )) --> Input[Input]
    Input --> Process[Process]
    Process --> Output[Output]
    Output --> End(( ))
    
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The flowchart is titled "How to use the system". It starts with a box labeled "Input", which leads to a box labeled "Process". From "Process", an arrow points to a box labeled "Output". Finally, an arrow points from "Output" to an ending box.

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SITE PLAN (PROP)



WOODLAWN AVENUE

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MM/DD/YY
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NEW RESIDENCE

680 Woodlawn Road, Lake Forest IL 60045

-New Construction-

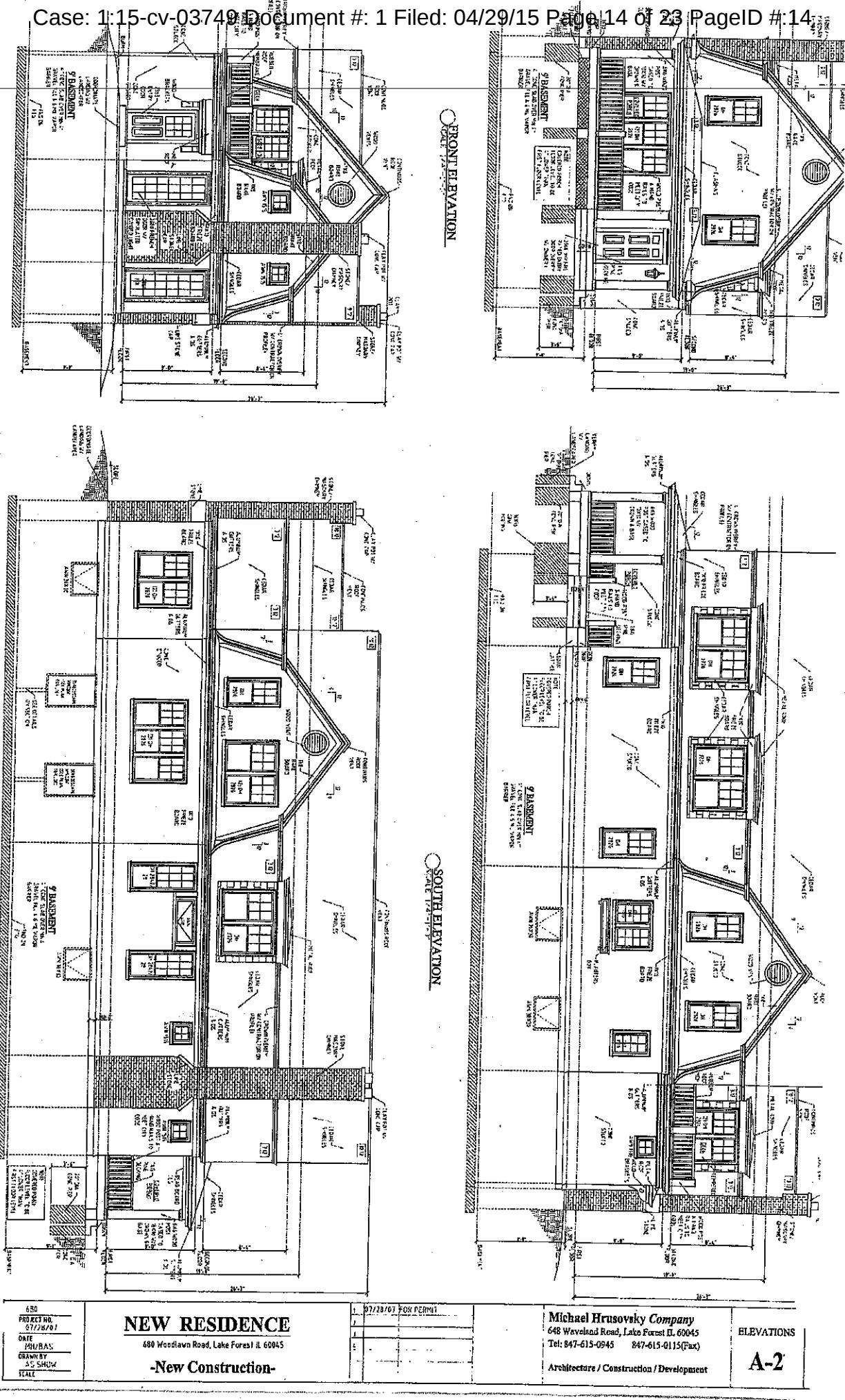
37782: 100 MAP

Michael Hrusovsky Company
48 Waveland Road, Lake Forest IL 60045
Tel: 847-615-0945 847-615-0115 (Fax)

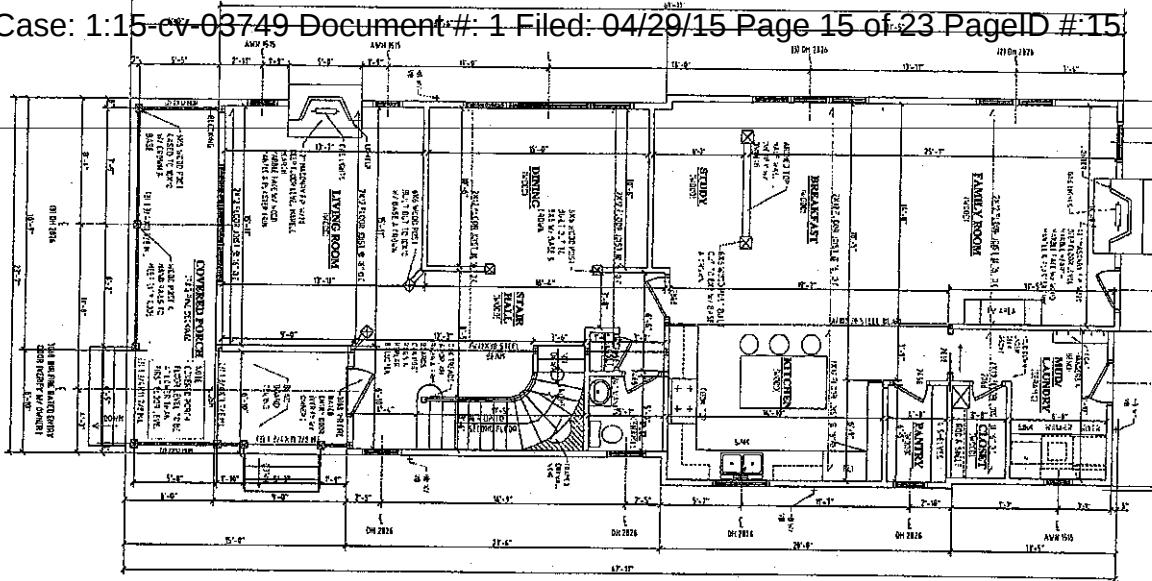
Architecture / Construction / Development

GENERAL
NOTES &
SYMBOLS
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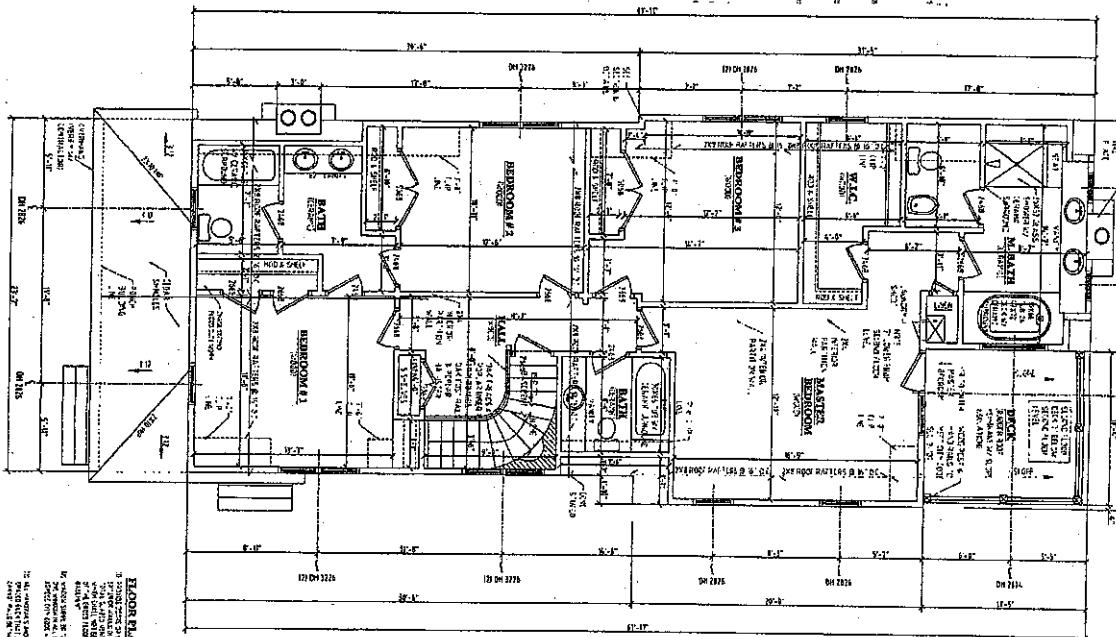
EXHIBIT



FIRST FLOOR PLAN

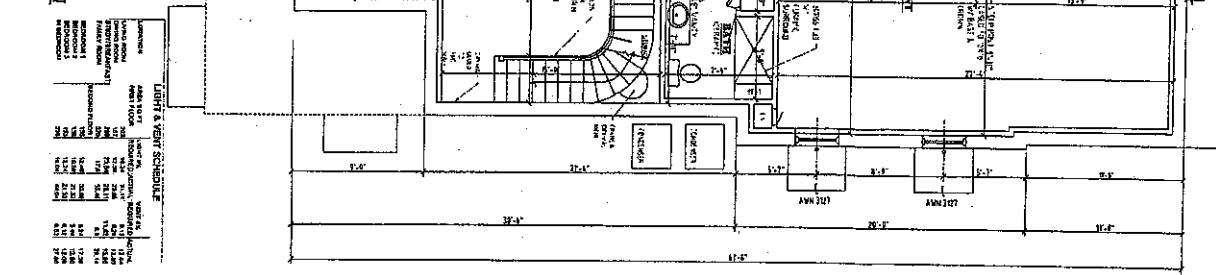


SECOND FLOOR PLAN



1/2 INCH = 1'-0"
SHEET 1 OF 4

BASEMENT PLAN



1/2 INCH = 1'-0"
SHEET 2 OF 4

NEW RESIDENCE

660 Woodlawn Road, Lake Forest IL 60045

-New Construction-

PROJ. NO.
07/27/01

DATE

MATERIALS

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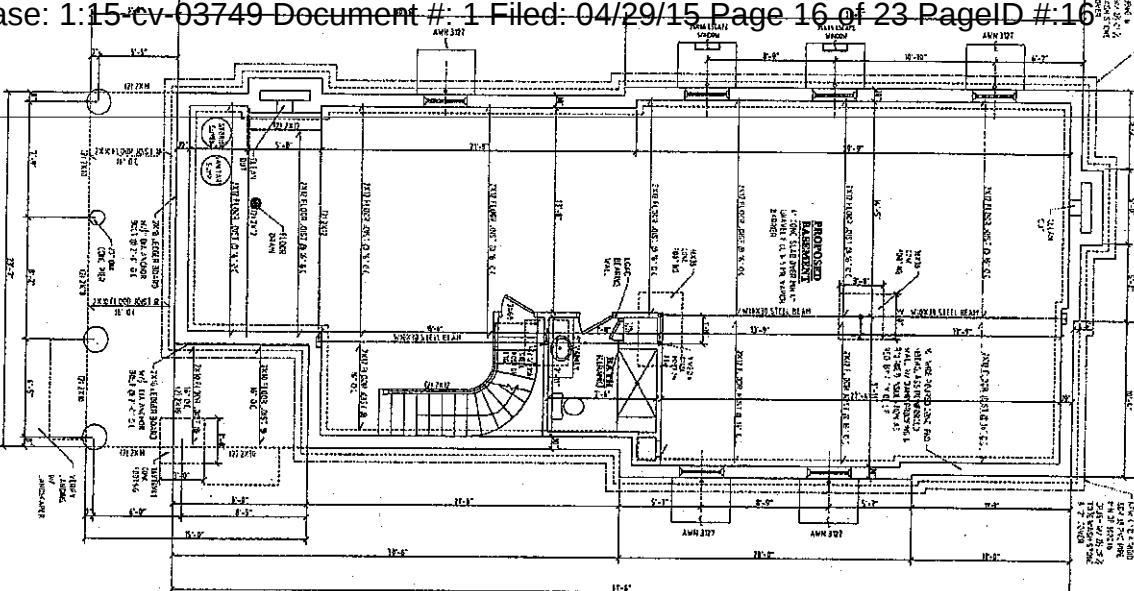
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Michael Hrusovsky Company
548 Waveland Road, Lake Forest IL 60045
Tel: 847-615-0945 847-615-0115(Fax)

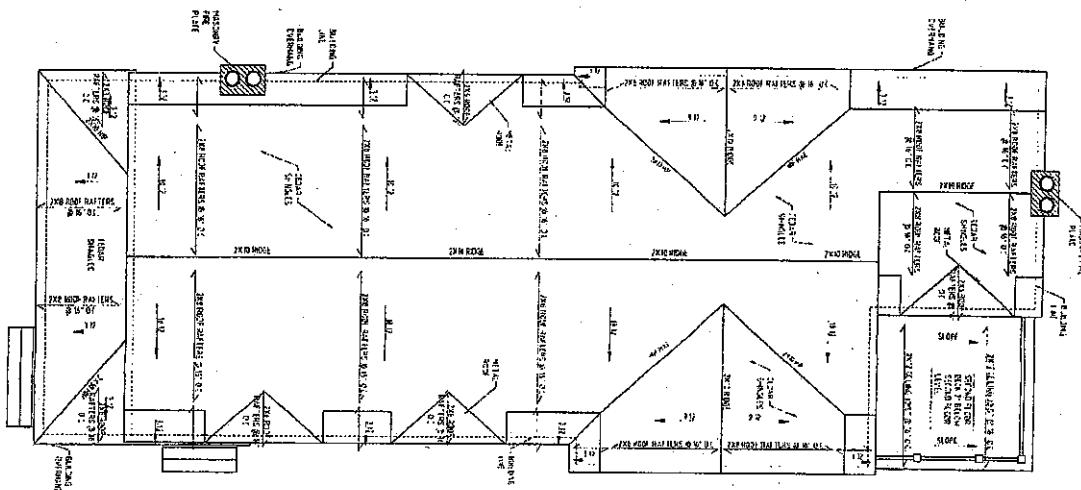
Architecture / Construction / Development

FLOOR PLANS
& BASEMENT
PLAN

A-3



C FOUNDATION PLAN



C ROOF PLAN

GSB
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NEW RESIDENCE

680 Woodlawn Road, Lake Forest IL 60045

-New Construction-

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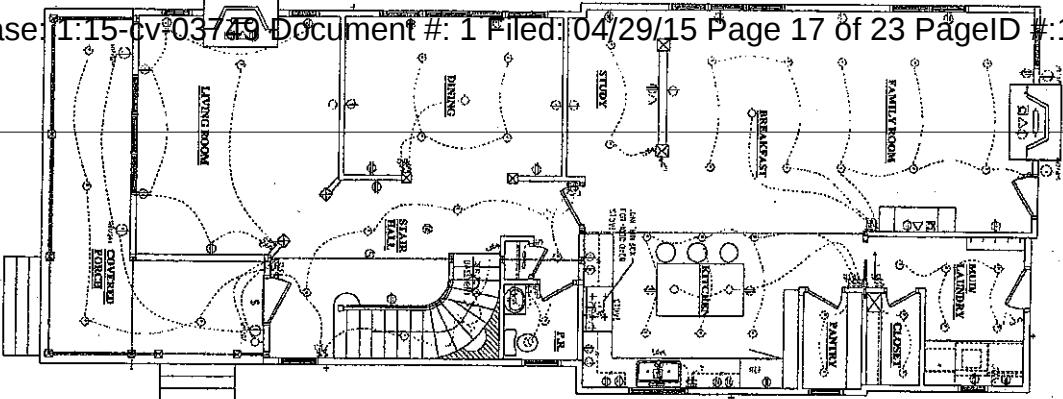
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Architecture / Construction / Development

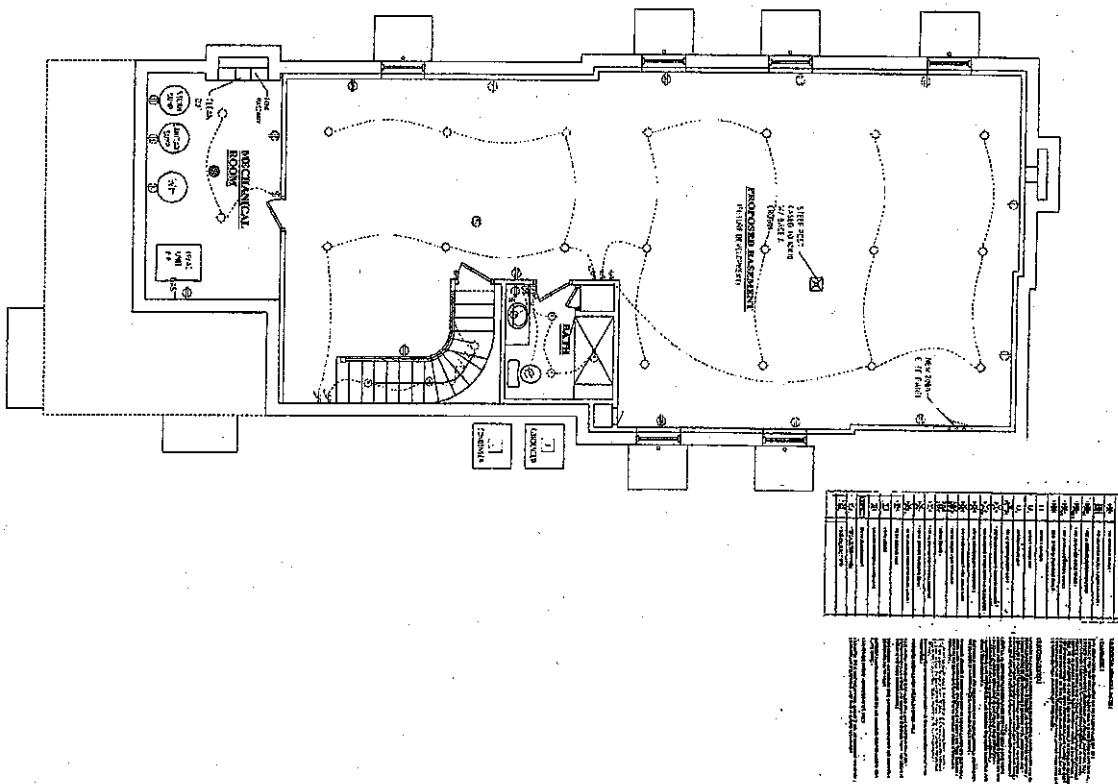
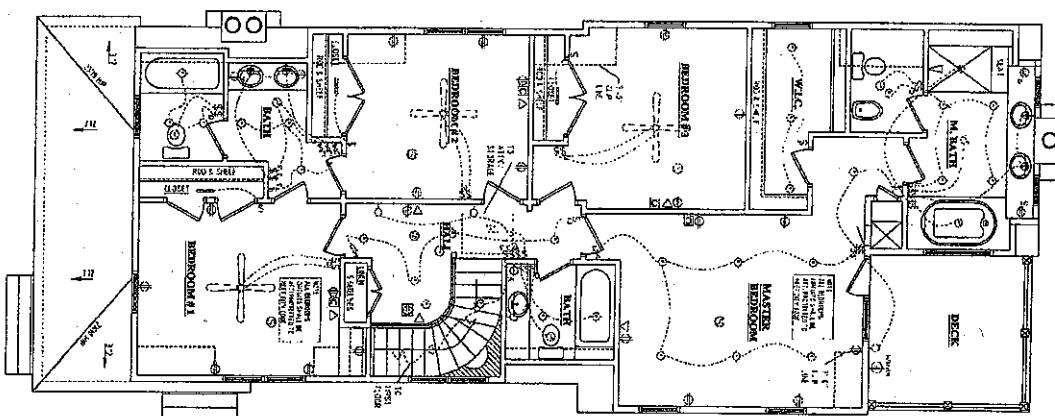
BASEMENT &
FND PLAN

A-4

FIRST FLOOR ELEC. PLAN



SECOND FLOOR ELEC. PLAN



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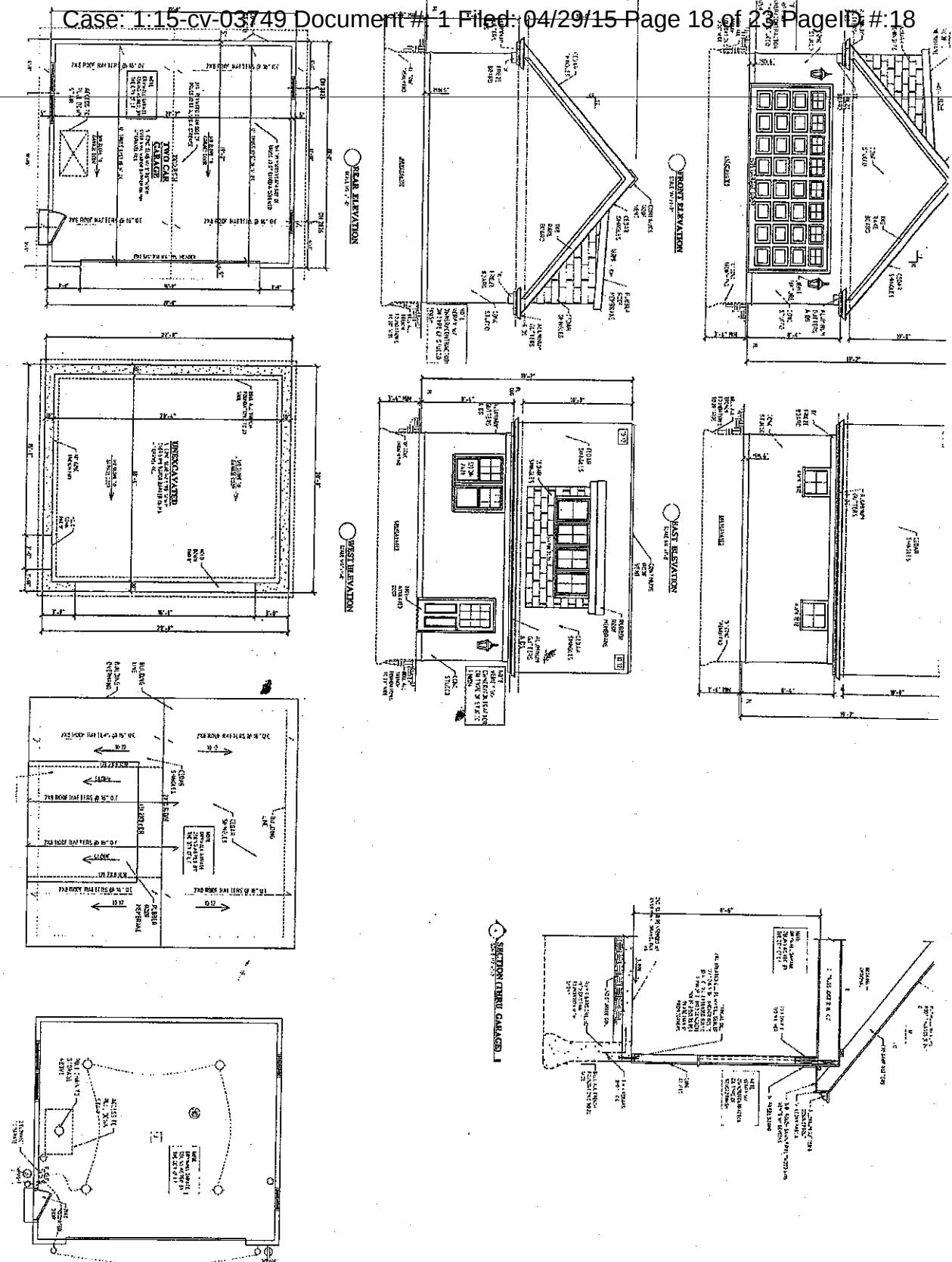
NEW RESIDENCE
560 Woodlawn Road, Lake Forest IL 60045
-New Construction-

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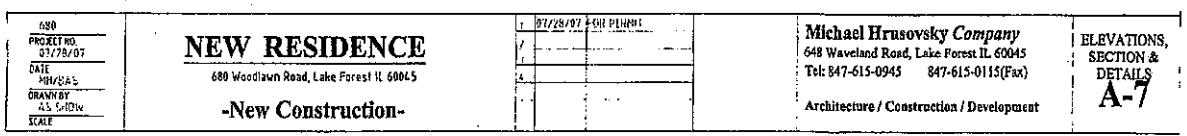
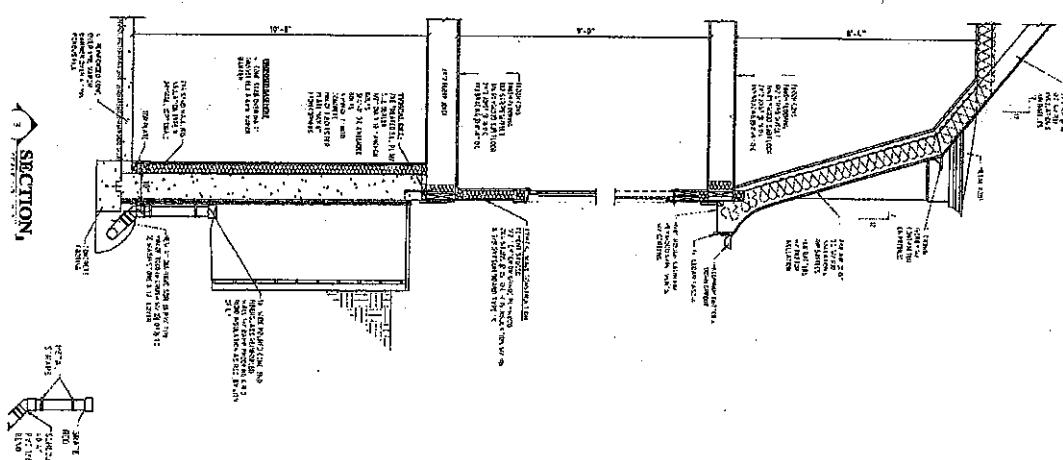
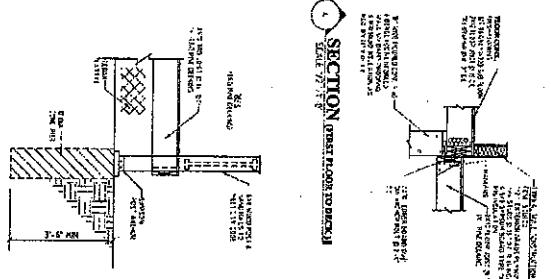
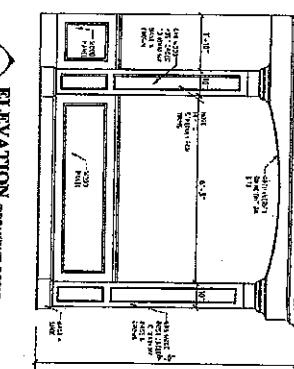
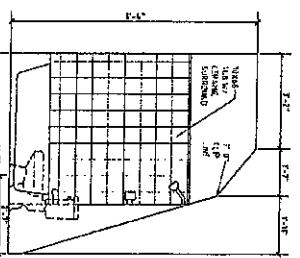
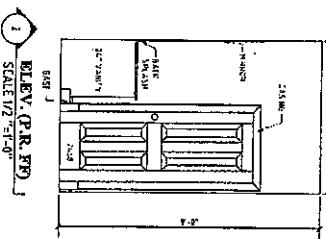
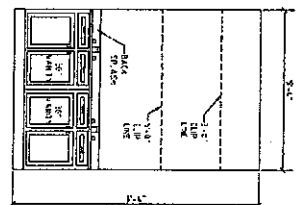
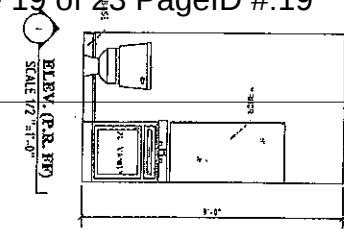
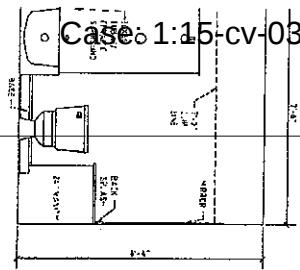
Michael Hrusovsky Company
648 Waveland Road, Lake Forest IL 60045
Tel: 847-615-0945 847-615-0115(Fax)
Architecture / Construction / Development

ELEC. PLAN

A-5



<p>REF. PROJECT NO. DATE MATERIALS DRAWN BY AS SHOWN SCALE</p>	<p>NEW RESIDENCE 600 Woldawn Road, Lake Forest IL 60045 -New Construction-</p>	<p>977/28/07 FOR PERMIT</p>	<p>Michael Hrusovsky Company 648 Waveland Road, Lake Forest IL 60045 Tel: 847-615-0945 847-615-0115(Fax)</p>	<p>GARAGE PLAN A-6</p>
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Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Register of Copyrights, United States of America

Registration Number

VA 1-940-489

Effective Date of Registration:
December 26, 2014

Title

Title of Work: NEW RESIDENCE
Washington Woodlawn
Lake Forest, IL 60045
-Design-

Completion/Publication

Year of Completion: 2007
Date of 1st Publication: July 09, 2007
Nation of 1st Publication: United States

Author

Author: Michael Andrew Hrusovsky
Author Created: architectural work
Citizen of: United States
Year Born: 1952

Copyright Claimant

Copyright Claimant: Michael Andrew Hrusovsky
648 Waveland Rd., Lake Forest, IL, 60045

Certification

Name: Michael Hrusovsky
Date: December 26, 2014

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C

Registration #: VA0001940489
Service Request #: 1-1945928327

Michael Hrusovsky Company
Michael Hrusovsky
648 Waveland Rd.

Lake Forest, IL 60045

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Register of Copyrights, United States of America

Registration Number

VA 1-940-820

Effective Date of Registration:

February 03, 2015

Title

Title of Work: **NEW RESIDENCE**
680 Woodlawn Road
Lake Forest, IL 60045
-Construction Documents-

Completion/Publication

Year of Completion: 2007
Date of 1st Publication: July 28, 2007
Nation of 1st Publication: United States

Author

• Author: Michael Andrew Hrusovsky
Author Created: technical drawing
Citizen of: United States
Year Born: 1952

Copyright Claimant

Copyright Claimant: Michael Andrew Hrusovsky
648 Waveland Rd., Lake Forest, IL, 60045

Certification

Name: Michael Hrusovsky
Date: February 03, 2015

Correspondence: Yes



Registration #: VA0001940820
Service Request #: 1-2007984451

Michael Hrusovsky Company
Michael Hrusovsky
648 Waveland Rd.
Lake Forest, IL 60045